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June 11, 2008

**BY HAND**

Hon. Victor Marrero  
 United States District Judge  
 Southern District of New York  
 United States Courthouse, Suite 660  
 500 Pearl Street  
 New York, New York 10007

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>6-11-08</u>

**Re:** *Manufacturers And Traders Trust Company v. HSBC Bank USA and U.S. Bank National Association*  
**08-CV-03093**

Dear Judge Marrero:

We are the attorneys for plaintiff Manufacturers And Traders Trust Company and write with respect to the June 6, 2008 letter to Your Honor from counsel for HSBC Bank.<sup>1</sup>

As defendant states, due to a docketing error, Plaintiff's Reply Memorandum of Law was served late. As the partner in charge of this matter, I take responsibility for the mistake and apologize to the Court for any inconvenience this may have caused.

However, the defendants have suffered no prejudice as a result of this short delay. The Reply Memorandum presents no new facts, raises no new issues and only addresses the legal arguments made by defendants in an attempt to assist the Court in resolving the legal issues presented on this motion. We further note that in the past, when requested by the defendants to extend their time to answer, we have consented to those requests.

Accordingly, we respectfully request that Your Honor not penalize the Plaintiff due to Counsel's error and accept the late filing.

Request GRANTED. The Court finds no showing of neglect, bad faith or purpose sufficient to warrant rejection of Plaintiff's Reply by  
SO ORDERED: reason of a brief delay in filing.  
6-11-08

DATE: 6-11-08 VICTOR MARRERO, U.S.D.J.

Respectfully submitted,

S. Robert Schrager

cc. All counsel of record (w/o enclosure)

<sup>1</sup> The letter was faxed to me on Friday afternoon by defendant's counsel to our other New York office so it was not received by me until Monday afternoon, June 9, 2008.